

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>KELVIN MERRITT, # B78207,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 13-cv-670-JPG</b>
	)	
<b>LT. SKORZA, C/O REDNOUR,</b>	)	
<b>C/O TORREVILLE, and LT. MITCHELL,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

Plaintiff Kelvin Merritt initiated this action by filing a Motion for Order of Protection on July 10, 2013 (Doc. 1). According to the motion, Plaintiff had a painful shattered hand and he was seeking medical attention. By Order dated July 15, 2013, Plaintiff was given until August 15, 2013, to file a complaint properly establishing the Court's jurisdiction (Doc. 3). Merritt was cautioned that failure to file a proper complaint by the prescribed deadline would result in the dismissal of this action for lack of subject matter jurisdiction.

Plaintiff Merritt has not filed an amended complaint, and the deadline for doing so has passed. It appears that Plaintiff has abandoned this action, warranting dismissal pursuant to Federal Rule of Civil Procedure 41(b), and for lack of subject-matter jurisdiction. In this particular situation, dismissal shall be without prejudice, as Plaintiff may not have been able to pursue a Section 1983 civil rights action until administrative remedies were exhausted.

**IT IS THEREFORE ORDERED** that, for the reasons stated, this action is **DISMISSED WITHOUT PREJUDICE**. Judgment shall enter accordingly, closing this case.

**DATED: August 30, 2013**

s/J. Phil Gilbert  
**UNITED STATES DISTRICT JUDGE**